REMARKS

I. Rejections Under 35 U.S.C. §§ 112

Claims 1-26 were rejected under 35 U.S.C. §112. Applicant has amended independent claims 1 and 14 to omit indefinite language pointed out by the Examiner and to clarify how the software programs are stored and accessed. Applicant has also amended claims 13 and 26 to omit indefinite language pointed out by the Examiner and to clarify that the software program is executed on a "user-selected computer" and that the user-selected computer can execute the software program without the need for "hardware components and circuitry in addition to the user-selected computer".

II. Rejections Under 35 U.S.C. §§ 102 and 103

Independent claims 1, 13, 14, 26 and 27 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,563,946 issued to Cooper et al. Independent claims 13, 26 and 27 were also rejected under 35 U.S.C. §103 as being obvious in light of U.S. Patent No. 5,564,038 issued to Grantz et al. Dependent claims 2, 3, 5, 8-12, 15, 16, 18 and 21-25 were rejected under 35 U.S.C. §102 as being anticipated by the Cooper '946 patent. Dependent claims 6 and 19 were rejected under 35 U.S.C. §103 as being unpatentable over the Cooper '946 patent in view of U.S. Patent No. 4,740,890 issued to Tobin William. Dependent claims 7, 10, 20 and 23 were rejected under 35 U.S.C. §103 as being unpatentable over the Cooper '946 patent. Finally, dependent claims 4 and 17 were rejected under 35 U.S.C. §103 as

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being unpatentable over the Cooper '946 patent in view of U.S. Patent No. 4,654,799 issued to Ogaki et al.

In response to the Final Office Action of January 14, 1997, Applicant proposes amending rejected independent claims 1, 13, 14, 26 and 27 as shown herein to place the application in condition for allowance. Applicant has proposed the above amendments to the claims to omit the indefinite language in accordance with the Examiner's remarks and to clarify the invention.

Applicant respectfully traverses the Examiner's 35 U.S.C. §§102 and 103 rejections of claims 1 through 27. Applicant submits that amended independent claims 1 and 14, as proposed herein, are patentably distinct over the Cooper '946 patent. Cooper does not disclose an image file having "an internal configuration of a specially formatted disk". Rather, in Cooper, the software programs are stored on a computer-accessible memory media, such as a diskette or CD ROM, that does not have any special internal configuration. The file in which software programs are stored in Cooper is not internally configured as a "specially formatted disk". Rather, in Cooper a file management program controls access to the particular media being used. Applicant's invention, however, is not limited to or dependent upon a particular media. Applicant's invention utilizes an image file in which the software program is stored. The image file has an internal configuration of a specially formatted disk and can be stored on any type of computer-readable media. The image file is accessible by an image driver that is configured to control access to the specially formatted image file. Thus, the internal configuration of the image file

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provides inherent protection of the software program stored therein from unauthorized duplication or use.

Applicant also respectfully submits that amended independent claims 13, 26 and 27, as proposed herein, are patentable over the Cooper '946 patent. The Cooper '946 patent teaches separating a front portion of an encrypted executable data file and copying it to a side file. The front portion is then overlaid by an executable stub and header. This is performed to prevent the user from trying to execute encrypted applications. Thus, the Cooper '946 patent teaches away from maintaining software programs in "an undivided locked state" by disclosing the process of separating an executable data file to prevent users from executing encrypted applications. In contrast, the present invention includes protection means that maintains a software program in an "undivided locked state".

Amended claims 13, 26 and 27, as proposed herein, are also patentable over the Grantz '038 patent. The Grantz '038 patent does not disclose a means for maintaining the selected software program in the locked state "during the sampling of the selected software program", as recited in independent claims 1, 13, 14, 26 and 27 of the present application. The Grantz '038 patent discloses providing a test period for software programs incorporating a predetermined delay before commencing the test period. However, the Grantz '038 patent does not disclose maintaining the software program in a locked state to prevent unauthorized duplication of the program while the program is being sampled. In addition, the Grantz '038 patent does not disclose a system or computer program product for demonstrating a plurality of software programs. Rather, Grantz appears to apply

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to individual software programs or operating systems, not a plurality of software programs. Applicant's invention, however, includes receive means for receiving "a plurality of software programs", protection means for "maintaining each of the software programs in an undivided locked state" and sample means for "enabling any of the software programs for execution . . . upon selection by a user".

Finally, Applicant respectfully traverses the Examiner's rejection of dependent claims 6 and 19 under 35 U.S.C. §103 as being unpatentable over the Cooper '946 patent in view of the Tobin William '890 patent. Claims 6 and 19 include detecting if the software program is being copied during the sampling of the software program and disabling the software program in response to the detecting. Alternatively, the Tobin William '890 patent teaches using protection code that is "executed once and once each time the program is initiated". (4:6-8). According to the Tobin William '890 patent, "once the program is being executed, the protection code is no longer in memory." (4:10-12). Thus, in the Tobin William '890 patent the detection and disablement does not occur "during the sampling" as recited in Applicant's claims 6 and 19.

CONCLUSION

Applicant respectfully submits that the above proposed amendments raise no new issues and put claims 1, 13, 14, 26 and 27 in condition for allowance. Claims 2-12 depend from claim 1 and claims 15-25 depend from claim 14 and are submitted as also being allowable. Therefore, Applicant respectfully requests a Notice of Allowance for all of claims 1-27. If a telephone

conference would be helpful in resolving any issue, the Examiner is urged to contact the undersigned attorney at the telephone number noted.

Respectfully submitted,

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